

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

REBECCA IRENE FISHERIES, LLC,

Plaintiffs,

v.

CARLOS M. GUTIERREZ, *et al.*,

Defendants.

Case No. C05-0891L

ORDER DENYING PLAINTIFF'S
MOTION FOR PRELIMINARY
INJUNCTION PENDING APPEAL

This matter comes before the Court on plaintiff's telephonic motion for a preliminary injunction pending appeal. In order to justify relief pending appeal, plaintiff has the burden of showing (1) that there is a strong likelihood that it will succeed on the merits of its appeal; (2) that it will suffer irreparable injury if the proceeding is not stayed; (3) that a stay would not substantially injure any other party; and (4) that a stay is in the public's interest. See Hilton v. Braunskill, 481 U.S. 770, 776 (1987). For all of the reasons stated in this Court's "Order Denying Plaintiff's Motion for Stay of Permit Suspension and Penalties" (Dkt. # 23) and in light of the standard of review that will be applied by the Ninth Circuit, the Court finds that plaintiff has not satisfied its burden. Plaintiff's telephonic motion for a preliminary injunction pending appeal is, therefore, DENIED.

ORDER DENYING PLAINTIFF'S MOTION FOR
PRELIMINARY INJUNCTION PENDING APPEAL

1 DATED this 5th day of January, 2006.

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4 Robert S. Lasnik
5 United States District Judge
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